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MAR 31 2006

Attorney Docket No.: 99-113-US-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Anne E. Spinks Art Unit: 1772
Serial No.: 10/623,278 Examiner: Loney
Filed: July 18, 2003
Title: LOW MELT FLOW COMPOSITION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
MAIL STOP PETITION

PETITION TO REVIVE ABANDONED APPLICATION UNDER 37 CFR 1.137(a)

Applicant hereby petitions under 37 CFR 1.137(a) to revive the above-captioned abandoned application, and further petitions to discount the additional time required in filing the response to the September 9, 2005 Office Action against the calculation of any patent term extension granted on any patent issuing on the above-captioned application.

The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable as demonstrated below.

Applicant submits that no fee for this request should be charged to Applicant due to the fact that it appears that an error on the part of the United States Patent and Trademark Office (the Patent Office) caused the application to become abandoned, thereby necessitating this Petition. In the event that the Patent Office disagrees, the Commissioner is hereby authorized to charge the fee for this Petition required under 37 CFR 1.17(m) to Deposit Account No. 06-2241.

An Amendment in response to the outstanding September 9th Office action is submitted herewith.

The unavoidable delay and the error attributable to the Patent Office are demonstrated by the following facts:

CERTIFICATE OF TRANSMISSION

I hereby certify under 37 CFR §1.8(a) that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office. Fax No. 571-273-8300 on March 31, 2006.

Signature

LeeAnn Molin

Typed or Printed Name of Person Signing Certificate

10623278
00000057 062241
04/03/2006 CCHAU1 500.00 DA
01 FC:1452

1) Applicant's valid and correct mailing address was of record in the Patent Office at the time the September 9th Office action was mailed (see July 18, 2003 Patent Application Transmittal Letter, which is attached hereto as Exhibit A).

2) Applicant's mailing address did not change while the above-captioned application was pending.

3) The mailing address on the September 9th Office action is not Applicant's correct mailing address (see copy of September 9th Office action cover page, which is attached as Exhibit B).

4) Applicant never received the September 9th Office action from the Patent Office (see Declaration of Allison Johnson, which is attached as Exhibit C).

5) On March 25, 2006, Allison Johnson, Applicant's representative, received a Notice of Abandonment dated March 20, 2006, for the above-captioned application. The Notice had been mailed to Allison Johnson, P.A. 2925 Dean Parkway, Suite 300, Minneapolis, MN 55416 by the Patent Office, and then forwarded by the United States Post Office to Allison Johnson at 6016 Logan Ave. S., Minneapolis, MN 55419 (see, *id.*).

6) On March 27, 2006, Allison Johnson downloaded the September 9th Office action from the Patent Office website and on March 28, 2006 forwarded the same to H.B. Fuller Company (*id.*).

Because the September 9th Office action was not addressed to the proper entity and did not include the correspondence address of record, Applicant did not receive the September 9th Office action, and therefore could not prepare a timely response thereto. In light of the above, Applicant submits that the abandonment of the above-captioned application was unavoidable.

Applicant further requests that the delay in preparing and submitting this Petition and the attached reply to the September 9th Office action not be counted against the calculation of any patent term extension granted on any patent issuing on the above-captioned application.

If deemed appropriate, please charge the Petition fee of \$500.00 required under 37 CFR. 1.17(1) to Deposit Account No. 06-2241.

Please charge any additional fees owing or credit any over payments to Deposit
Account No. 06-2241.

Respectfully submitted,

Date: March 31, 2006

Bin Su
Bin Su
Reg. No. 51,309

H.B. Fuller Company
Patent Department
1200 Willow Lake Blvd.
P.O. Box 64683
St. Paul, MN 55164-0683
Telephone 651-236-5603
Facsimile 651-236-5126

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